

1 **David W. Criswell**, OSB No. 92593  
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2 **Mathew W. Lauritsen**, OSB No. 083949  
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3 BALL JANIK LLP  
4 101 SW Main Street, Suite 1100  
Portland, Oregon 97204-3219  
5 Phone: 503-228-2525  
Fax: 503-295-1058  
6 Attorneys for PremierWest Bank

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8  
9 **IN THE UNITED STATES BANKRUPTCY COURT**  
10 **FOR THE DISTRICT OF OREGON**

11 In re

12 **Pioneer Village Investments, LLC**, an  
13 Oregon limited liability company,  
14 Debtor.

Case No. 10-62852-fra11

**DECLARATION OF DAVID W.  
CRISWELL IN SUPPORT OF MOTION  
FOR ORDER FIXING PARALLEL  
TIMELINES FOR COMPETING PLANS  
OF REORGANIZATION**

15  
16 I, David W. Criswell, declare as follows:

17 1. I am an attorney with Ball Janik LLP, attorneys of record for creditor  
18 PremierWest Bank (the "Bank") in this case. I submit this Declaration in Support of the Motion  
19 for Order Fixing Parallel Timelines for Competing Plans of Reorganization (Doc. 108) (the  
20 "Motion") filed by the Bank.

21 2. Attached hereto as Exhibit A is a true and correct copy of Amended Appointment  
22 of Committee of Unsecured Creditors filed February 16, 2011.

23 3. Attached hereto as Exhibit B is an e-mail from Scott McCleery, the attorney for  
24 Henry C. Winsor, indicating that his client (a member of the Creditors' Committee) supports  
25 putting the Bank's plan and the Debtor's plan on parallel timelines. Mr. McCleery filed a proof  
26

3           4.           Attached hereto as Exhibit C is a letter dated December 14, 2010, to me from  
4 Irene Kartsounis (a member of the Creditors' Committee) which I received on December 17,  
5 2010. Ms. Kartsounis, through attorney Matthew Sutton, filed a proof of claim (Claim 5-1) in  
6 the amount of \$61,182. I did not solicit the letter from Ms. Kartsounis, nor have I spoken with  
7 her.

8           5.       On February 17, 2011, following written authorization from attorney Joseph  
9 Kellerman, I spoke with Rod McCleod, the personal representative of the estate of Richard  
10 McCleod. Mr. McCleod filed a proof of claim (Claim No. 9-1) in the amount of \$25,000.  
11 During our February 17, 2011 telephone conversation, Mr. McCleod advised me that he  
12 supported the Bank's motion to put its plan and the debtor's plan on parallel timelines.

13           **I declare under penalty of perjury under the laws of the State of Oregon that the**  
14 **foregoing is true and correct and that this Declaration was executed on February 22, 2011,**  
15 **at Portland, Oregon.**

/s/ David W. Criswell  
David W. Criswell

RONALD C. BECKER, OSB #83151  
 Attorney for the United States Trustee  
 Office of the United States Trustee  
 405 East Eighth Avenue, Room 1100  
 Eugene, Oregon 97401  
 Telephone: (541) 465-6330

UNITED STATES BANKRUPTCY COURT  
 FOR THE DISTRICT OF OREGON

PIONEER VILLAGE INVESTMENTS, LLC ) CASE NUMBER 10-62852-fra11  
 )  
 ) AMENDED  
 ) APPOINTMENT OF  
 Debtor. ) COMMITTEE OF UNSECURED  
 ) CREDITORS

Based on 11 U.S.C. § 1102(a) and (b), the United States Trustee for Region 18,  
 through his attorney Ronald C. Becker, hereby appoints the following unsecured creditors of  
 the above-named debtor to the Committee of Unsecured Creditors:

<u>CREDITOR / REPRESENTATIVE</u>	<u>ADDRESS</u>	<u>TELEPHONE / FAX</u>
Peggy P. Eccles Revocable Living Trust c/o Melvin D. Ferguson	541 Walnut Ave Klamath Falls, OR 97601	541-850-2828 Fax: None
Henry C. Winsor	1601 Veranda Park Dr. #2 Medford, OR 97504	541-494-5143 Fax: None
Susan Casto	888 Twin Creeks Crossing Central Point, OR 97502	Tele: None Fax: None
Irene Kartsounis c/o Matthew Sutton Attorney at Law	205 Crater Lake Ave Medford, OR 97504	541-772-8050 Fax: 541-772-8077

<u>CREDITOR /REPRESENTATIVE</u>	<u>ADDRESS</u>	<u>TELEPHONE / FAX</u>
Janice LaMorree janicelamorree@gmail.com	805 N 5 <sup>th</sup> St., Apt. 110 Jacksonville, OR 97530	Tele: None Fax: None
Dated: February 16, 2011	Respectfully submitted,	
	ROBERT D. MILLER, Jr. United States Trustee	
	<u>/s/ Ronald C. Becker, OSB #83151</u> RONALD C. BECKER, OSB #83151 Attorney for the United States Trustee	

**CERTIFICATE OF SERVICE**

I, Ronald C. Becker, hereby certify as follows:

1. On February 16, 2011, the attached document was served on the persons shown below by depositing a true copy thereof, in a sealed envelope with First-Class postage prepaid and addressed as shown below, in the U.S. Mail, at Eugene, Oregon.

Ann Geich 888 Twin Creeks Crossing #301 Central Point, OR 97502	Catherine Murphy 895 N Fifth St., Apt. 217 Jacksonville, OR 97530-8026
Charles Grojean 805 N 5 <sup>th</sup> St., apt. 306 Jacksonville, OR 97530	Dorothy Quirk 895 N 5 <sup>th</sup> , apt. 204 Jacksonville, OR 97530
Excelsior Investment Company 107 W First St. Phoenix, OR 97535	Henry C Winsor & Nina Winsor 1601 Veranda Park Drive # 2 Medford, OR 97504
Hiram Cheney 805 N 5 <sup>th</sup> St., apt. 104 Jacksonville, OR 97530	Irene Kartsounis P. O. Box 504 Medford, OR 97501
Irene Kartsounis c/o Matthew Sutton Attorney at Law 205 Crater Lake Avenue Medford, OR 97504	Janice LaMorree 805 N 5 <sup>th</sup> St., Apt. 110 Jacksonville
Jerry Pearce 895 N Fifth St., Apt. 219 Jacksonville, OR 97530-8012	LeClaire Prince 895 N 5 <sup>th</sup> , Apt. 111 Jacksonville, OR 97530
Peggy Eccles c/o Miranda Willis P. O. Box 3168 Portland, OR 97208	Peter Van Dyke 888 Twin Peaks Crossing # 301 Central Point, OR 97502
Rod & Shirley Law c/o Shelby Tompkins P. O. Box 489 Jacksonville, OR 97530	Rose Davis 805 N 5 <sup>th</sup> St., Apt. 202 Jacksonville, OR 97530
Shusster Purchasing Solutions, LLC P. O. Box 131784 Saint Paul, MN 55113	Susan Casto 888 Twin Creeks Crossing Central Point, OR 97502
Melvin Ferguson 541 Walnut Ave Klamath Falls, OR 97601	

2. Based on the Bankruptcy Court's Electronic Case Filing records, the following person(s) should be served electronically when the attached document is filed with the Court:

DAVID W CRISWELL dcriswell@balljanik.com, swylen@balljanik.com

DOUGLAS P CUSHING doug.cushing@jordanschrader.com,  
deborah.soloway@jordanschrader.com; Litparalegal@jordanschrader.com

MATHEW W LAURITSEN mlauritsen@balljanik.com, akimmel@balljanik.com

R. CRAIG McMILLIN [rcm@integraonline.com](mailto:rcm@integraonline.com), [cmfiling@hotmail.com](mailto:cmfiling@hotmail.com)

JENNIFER L PALMQUIST jpalmquist@nwlawfirm.com

BRAD T SUMMERS tsummers@balljanik.com, akimmel@balljanik.com

MATTHEW SUTTON msutt@uci.net

US Trustee, Eugene USTPRegion18.EG.ECF@usdoj.gov

CAROLYN G WADE [carolyn.g.wade@doj.state.or.us](mailto:carolyn.g.wade@doj.state.or.us)

C CASEY WHITE ckcwhite@msn.com

/s/ *Ronald C. Becker*

RONALD C. BECKER, OSB # 83151

Attorney for the United States Trustee

**Criswell, David**

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**From:** Scott McCleery [scottm@gartlandnelsonlaw.com]  
**Sent:** Tuesday, February 01, 2011 4:41 PM  
**To:** Criswell, David  
**Subject:** RE: Pioneer Village -H.C. Winsor & Nina Winsor Trustees  
David

Yes you are authorized to indicate my client approved the parallel timelines.

Scott

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**From:** Criswell, David [mailto:dcriswell@balljanik.com]  
**Sent:** Monday, January 31, 2011 3:31 PM  
**To:** Scott McCleery  
**Subject:** Pioneer Village -H.C. Winsor & Nina Winsor Trustees

<<Pioneer Village - 124 - Memo in Support of Parallel Plan Motion.pdf>>  
Scott:

I am the attorney for PremierWest Bank in the Pioneer Village Chapter 11 case. The Bank has filed a competing plan and a motion to put its plan on a parallel track with the Debtor's plan. I have attached a memo filed in support of the Bank's motion.

My understanding from the creditor register is that you represent the Winsor Trust.

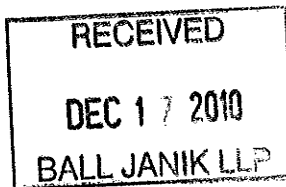
Under the Bankruptcy Code and Rules, the Bank cannot solicit acceptances on its plan unless and until the Court approves a disclosure statement related to the Bank's plan.

However, the Bank is permitted to seek the views of creditors on its motion to fix parallel timelines for the Bank's plan and the Debtor's plan.

Would your client be willing to authorize you to file something supporting the Bank's motion to fix parallel timelines (either in writing or by a telephonic appearance at the February 22d hearing 2:30 p.m. on the Bank's motion) ? Let me know . Thanks.

David

David W. Criswell  
Ball Janik LLP  
101 SW Main Street, Suite 1100  
Portland, OR 97204  
[dcriswell@balljanik.com](mailto:dcriswell@balljanik.com)  
(503) 944-6030  
(503) 226-3910 (fax)



P.O. Box 504  
Medford, OR 97501  
December 14, 2010

Ball Janik LLP  
101 S.W. Main St., Suite 1100  
Portland, OR 97204

Dear Sir:

I am a Holder of a Claim  
against the Estate of  
Pioneer Village Investments, LLC.

My name is Gene  
Karlsounis and I hold an  
interest of \$61,182.

The case is in the U.S.  
Bankruptcy Court for the District  
of Oregon, Case No. 10-62852-fra11.

I wish to vote in the  
affirmative for the Creditor's  
Plan of Reorganization.

Thank you for sending  
the necessary forms via  
my past Lawyer Matthew Sutton.

The process of  
Bankruptcy is being extended  
far into the future and



I can only wait.

Hopefully, it is to you  
that I must send my approval  
of the Scan. If not, please  
extend my approval to the  
correct party.

Thank you.

Respectfully yours,

Jane Kartounis

**CERTIFICATE OF SERVICE**

I hereby certify that I served copies of the foregoing **DECLARATION OF DAVID W. CRISWELL IN SUPPORT OF MOTION FOR ORDER FIXING PARALLEL TIMELINES FOR COMPETING PLANS OF REORGANIZATION** on the following parties by CM/ECF:

- DOUGLAS P CUSHING   doug.cushing@jordanschrader.com,  
deborah.soloway@jordanschrader.com;Litparalegal@jordanschrader.com
- R CRAIG McMILLIN   rcm@integraonline.com, cmfiling@hotmail.com
- JENNIFER L PALMQUIST   jlpalmquist@nwlawfirm.com
- MATTHEW SUTTON   msutt@uci.net
- US Trustee, Eugene   USTPRegion18.EG.ECF@usdoj.gov
- CAROLYN G WADE   carolyn.g.wade@doj.state.or.us
- PATRICK W WADE   hhecfb@hershnerhunter.com
- C CASEY WHITE   ckcwhite@msn.com

and on the following parties by **mailing** a full, true and correct copy in a sealed first-class postage prepaid envelope, addressed to the parties listed below, and deposited with the United States Postal Service at Portland, Oregon on the date set forth below:

Susan Casto  
888 Twin Creeks Crossing  
Central Point, OR 97502

Peggy P. Eccles Revocable Living Trust  
c/o Melvin D. Ferguson  
541 Walnut Ave  
Klamath Falls, OR 97601

Irene Kartsounis  
c/o Matthew Sutton Attorney  
205 Crater Lake Avenue  
Medford, OR 97504

Henry C. Winsor  
1601 Veranda Park Dr #2  
Medford, OR 97504

DATED: February 22, 2011

/s/ Stuart Wylen  
Stuart Wylen, Legal Secretary